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1000 EAGLE GATE TOWER			2611	
SALT LAKE CITY, UT 84111				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/694,873

Applicant(s)

JARMAN, MATTHEW

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-28, 30-51, 53 and 54 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 29 and 52 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 & 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: it is noted that all reference numbers disclosed in the specification with respect to figure 1 are not matched or same as all corresponding reference numbers in the drawing. For example, the reference number of element "computer" is numbered as 20 in the specification while it is numbered as 120 in the drawing; "processing unit" is numbered as 21 in the specification while it is numbered 121 in the drawing...etc. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-38 and 43-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the consumer's computer system" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the computer system of the consumer" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the computer system" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the particular object" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the title" in line 3. There is insufficient antecedent basis for this limitation in the claim

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Claim 13 recites the limitation "the video action" in lines 19-20. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the multimedia content" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the multimedia content" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "the video action" in lines 9-10. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "the consumer's computer system" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "the position" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 43 recites the limitation "the decoder" and "the memory" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 47 recites the limitation "the consumer's computer system" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 52 recites the limitation "the video action" in lines 21-22. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 6, 8-11, 14, 15, 20-24, 26-28, 30-33, 35-41, 43-45, 47-49, 51 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Iggulden et al. (US 5,333,091 A) (*hereinafter "I '091"*).

Regarding claims **1, 14, 20, 30 and 47**, I '091 discloses in an automatic editing system for enabling a consumer to filter multimedia content (e.g., video/audio content), wherein the system includes a processor 120, a memory 124, a decoder 106-110, and an output device 14 for playing the multimedia content, a method for assisting the consumer to automatically identify portions of the multimedia content that are to be filtered and to thereafter automatically filter the identified portions, e.g., automatically eliminating the identified commercial during playback (see abstract and figure 2), the method comprising:

providing information (the pattern, duration, and/or interval of blank frames) which can be loaded in to a memory of the system, the information including a plurality of events (e.g., B, C, D – see figure 2), each of which defines a portion of the multimedia content that is to be filtered by defining a start position (e.g., point B in figure 2) and a stop position (e.g., point C in figure 2) and an event time for filtering action performed on the portion of the multimedia content defined by the start and stop positions (see col. 4, lines 9-52; col. 6, lines 16-42);

decoding the multimedia content on the system and as the multimedia content is output from the decoder, continuously updating a position code (e.g., during playback, the decoder continuously receives the encoded data indicating position of the tape in the cassette. The decoder obtains a time code from the video tape during playback. The time code is regarded as a tape position code – see col. 5, lines 48-52; col. 8, lines 45-66; col. 11-12, lines 68-4; and figure 2);

as the multimedia content is decoding, continuously monitoring the position code and comparing it with the event time to determine if there is indexed event relating to the current position of the tape (see col. 8-9, lines 8-2);

when the position code is determined to be within an event, scanning past action assigned to the event in order to filter the multimedia content for that portion defined by the point (see col. 4, lines 9-52; col. 10, lines 23-34); and

transferring the multimedia content to an TV 14, wherein the multimedia content is played at the output device excluding each portion thereof which is filtered in accordance with the plurality of points (during playback, the stored data for each event is compared to the timing reference data read from the tape and the VCR is automatically commanded into a fast scan mode when the tape reaches the beginning time of a portion of the video signal that has been determined for elimination during playback. The VCR is then automatically commanded to return to the normal "play" mode when the tape reaches the ending time of that portion of the video signal. The TV screen be blanked while the VCR is in the fast scan mode – see col. 3, lines 49-62; col. 4, lines 9-20; col. 7, lines 18-40 and figure 2).

Further regarding claims **47-49, 51 and 54**, they call for computer readable medium for carrying machine-executable instructions for implementing method. It is noted that the method of I '091 should be automating method steps in software to automate the editing system and provide computer control.

Regarding claims **39 and 43**, I '091 discloses an automatic editing system for enabling a consumer to filter multimedia content (e.g., video/audio content), wherein the system assists the consumer in automatically identifying portions of the multimedia content that are to be filtered and to thereafter automatically filter the identified portions, e.g., automatically eliminating the identified commercial during playback (see abstract and figure 2), the system comprising:

a multimedia source (e.g., VCR 10 – see figure 2) for providing video content;

a decoder (106-110 – see figure 2) for decoding multimedia content received from the multimedia source;

an output device (TV 14 – see figure 1) for playing multimedia content received from the decoder (see figure 1; col. 3, lines 44-64);

information (the pattern, duration, and/or interval of blank frames) loaded into a memory of the system (e.g., 124, 126), the information including a plurality of events (e.g., B, C, D – see figure 2), each of which defines a portion of the multimedia content that is to be filtered by defining a start position (e.g., point B in figure 2) and a stop position (e.g., point C in figure 2) and an event time for filtering action performed on the portion of the multimedia content defined by the start and stop positions (see col. 4, lines 9-52; col. 6, lines 16-42);

processor means coupled to the decoder and the memory (the control unit 12 coupled to the decoder 106-110 and the memory 124, 126 as shown in figure 2) for:

using a decoder 106-110 to determine when the multimedia content decoded by the decoder is within the portions of the multimedia content defined by a plurality of events (determining when commercial message is presented in the portion of multimedia content defined by a plurality of events such as B-C or C-D – see col. 4, lines 9-36; col. 6, lines 27-42);

when multimedia content decoded by the decoder is determined to be within the portion of the multimedia content defined by a particular event, filtering the multimedia content (when the portion of the multimedia content is determined as commercial material, then commercial material is skipped – see col. 4, lines 9-20 and 39-45); and

causing the multimedia content to be played at an output device 14, whereby the multimedia content is played at the output device excludes each portion thereof which is filtered in accordance with the plurality of events (during playback, the stored data for each event is

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compared to the timing reference data read from the tape and the VCR is automatically commanded into a fast scan mode when the tape reaches the beginning time of a portion of the video signal that has been determined for elimination during playback. The VCR is then automatically commanded to return to the normal "play" mode when the tape reaches the ending time of that portion of the video signal. The TV screen be blanked while the VCR is in the fast scan mode – see col. 3, lines 49-62; col. 4, lines 9-20; col. 7, lines 18-40 and figure 2).

Regarding claims **2 and 22**, I '091 discloses skipping the portion of the multimedia content, e.g., commercial message, defined by the event (see col. 4, lines 16-20 39-49).

Regarding claims **3, 23, 24, 33, and 49**, I '091 explicitly discloses that the VCR plays the program in play mode until the tape reaches the position corresponding to event B. Since the video signal between events B and C has been determined as commercial material, the VCR is commanded into skip mode. When the tape reaches the position corresponding to event C, the VCR remains in the skip mode since the video signal between events C and D has also been determined as commercial material. When the tape has advanced to the position corresponding to event D, the VCR is commanded back to the play mode for normal viewing of the program material between events D and E. It is further noted that once the time code or tape position code interval is calibrated during normal play, the time code will provide will provide an accurate measure of time relative to the recorded video signal for comparison with the stored event times (see col. 4, lines 39-52; col. 8, lines 49-66).

Regarding claims **5, 18, 26, 37 and 51**, it is noted that the decoder communicates with VCR via an interface (not shown - see col. 6, lines 13-23 and figure 2).

Regarding claims **6, 28 and 31**, I '091 discloses that the system comprises components of television system (see figure 2 and col. 3, lines 59-62).

Regarding claims **8, 19, 27 and 38**, I '091 discloses that the system includes a source of the multimedia content, e.g., VCR (see figure 2).

Regarding claims **9, 15, 21, 35 and 47**, I '091 discloses that the position codes are time codes (see col. 8, lines 50 to col. 9, line 14; col. 11, line 64 to col. 12, line 4).

Regarding claim **10**, I '091 discloses determining the time interval between the events if it is less than five minutes (see col. 10, lines 13-17).

Regarding claims **11, 40, 44 and 54**, I '091 shows that the information (the pattern, duration, and/or interval of blank frames in the video signal) initially is located at VCR, and wherein the decoder in unit 12 and the VCR are interconnected through a communication link and the information is received over the communication link (see figure 2; col. 3, lines 44-66).

Regarding claim **32**, I '091 discloses that each of which defines a portion of the multimedia content that is to be filtered by defining a start position (e.g., point B in figure 2) and a stop position (e.g., point C in figure 2) and an event time for filtering action performed on the portion of the multimedia content defined by the start and stop positions (see col. 4, lines 9-52; col. 6, lines 16-42), and wherein using decoder comprising the step for decoding the multimedia content on the system and as the multimedia content is output from the decoder, continuously updating a position code (e.g., during playback, the decoder continuously receives the encoded data indicating position of the tape in the cassette. The decoder obtains a time code from the video tape during playback. The time code is regarded as a tape position code – see col. 5, lines 48-52; col. 8, lines 45-66; col. 11-12, lines 68-4; and figure 2);

Regarding claim **36**, I '091 discloses scanning or skipping the events in the video signal (see col. 4, lines 9-23 and 39-52).

Regarding claims **41 and 45**, I '091 further discloses that the processor means is located in a remote control device. Since the system comprising unit 12 communicates with a remote

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control via unit 22, the remote control must be equipped with processor component (see col. 3, lines see col. 3, line 65 to col. 4, line 5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 25 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al. (US 5,333,091 A) (*hereinafter* "I '091").

Regarding claims 7, 25 and 53, I '091 discloses playback the recorded multimedia content (see abstract) but does not disclose retrieving the title of the multimedia content. Official Notice is taken that retrieving a list of the titles of the programs recorded on a video tape is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of I '091 by retrieving a list of the titles of the programs recorded on a video tape in order to provide selection of programs to viewers.

Further regarding claim 53, it calls for computer readable medium for carrying machine-executable instructions for implementing method. It is noted that the method of I '091 should be automating method steps in software to automate the editing system and provide computer control.

8. Claims 4, 16-19, 34 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al. (US 5,333,091 A) (*hereinafter* "I '091") in view of Iggulden (US 6,002,443) (*hereinafter* "I '443").

Regarding claims **4, 16 and 50**, I '091 does not disclose muting audio content for the portion of audio content. However, I '443 discloses a method for muting the audio portions of the television signal during each unwanted segment such as commercial segment (see abstract and col. 10, lines 5-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of I '091 by muting the audio portions of the television signal during each unwanted segment as disclosed by I'443 for purpose of muting the unwanted broadcast material without a human operator.

Further regarding claim **50**, it calls for computer readable medium for carrying machine-executable instructions for implementing method. It is noted that the method of I '091 should be automating method steps in software to automate the editing system and provide computer control.

Regarding claim **17**, I '091 discloses playback the recorded multimedia content (see abstract) but does not disclose retrieving the title of the multimedia content. Official Notice is taken that retrieving a list of the titles of the programs recorded on a video tape is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of I '091 by retrieving a list of the titles of the programs recorded on a video tape in order to provide selection of programs to viewers.

Regarding claim **18**, it is noted that the decoder communicates with VCR via an interface (not shown - see col. 6, lines 13-23 and figure 2).

Regarding claim **19**, I '091 discloses that the system includes a source of the multimedia content, e.g., VCR (see figure 2).

Regarding claim **34**, I '091 discloses that once the time code or tape position code interval is calibrated during normal play, the time code will provide will provide an accurate measure of time relative to the recorded video signal for comparison with the stored event times

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(col. 8, lines 49-66). I '091 does not disclose muting audio content for the portion of audio content. However, I '443 discloses a method for muting the audio portions of the television signal during each unwanted segment such as commercial segment (see abstract and col. 10, lines 5-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of I '091 by muting the audio portions of the television signal during each unwanted segment as disclosed by I'443 for purpose of muting the unwanted broadcast material without a human operator.

9. Claims 42 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al. (US 5,333,091 A) (*hereinafter* "I '091") in view of Ueda (US 5,699,472 A).

Regarding claims **42 and 46**, I '091 does not disclose the processor means is located in a server system, the server system being capable of interacting with one or more decoders over the communication links. However, Ueda shows that a video server communicates with a decoder 28 in a terminal over a bidirectional communication to provide and transmit picture codes of a requested video to the terminal (see col. 3-4, lines 51-24). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of I '092 by including a video server communicates with the decoder over a bidirectional communication to remotely transmit the video information from the video server to the terminal.

Allowable Subject Matter

10. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim **12**, the prior art does not teach or suggest the limitations "the navigation object includes a configuration identifier, the method further comprising the acts of:

assigning a configuration identifier to the decoder; comparing the configuration identifier of the particular navigation object with the configuration identifier of the decoder to determine if the particular navigation object applies to the decoder; and determining that the particular navigation object applies to the decoder based on the configuration identifier of the particular navigation object matching the configuration identifier of the decoder”.

11. Claims 13, 29 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claims **13, 29 and 52**, the prior art does not teach or suggest the limitations “displaying a representation of the plurality of navigation objects, the representation including a description of each of the plurality of navigation objects; receiving a password to authorize disabling at least one of the plurality of navigation objects; receiving a response to the representation of the plurality of navigation objects, the response identifying the at least one of the plurality of navigation objects to be displayed; and disabling the at least one of the plurality of navigation objects such that the video action specified by the at least one of the plurality of navigation objects is ignored”.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

August et al. (US 6,100,916 A) discloses a system and method for blocking of individual programs and/or portions of programs.

Ostrover (US 6,351,596 B1) discloses a method and system for determining scenes to be skipped and the starting point of any scene that is to follow a scene that is to be skipped.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
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July 27, 2004